

Sixth Appellate District

San Jose, California

MONDAY, APRIL 3, 2006

H028081 PEOPLE v. ISBELL

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed April 3, 2006

H028124 WEINSTEIN, et al. v. CALIFORNIA DEPARTMENT OF
TRANSPORTATION

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)
Filed April 3, 2006

H028880 COUNTY OF SANTA CRUZ v. HAL PORTER HOMES

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed April 3, 2006

TUESDAY, APRIL 4, 2006

The following cases are submitted this date:

H028897 PEOPLE v. THIMMES

H028645 PEOPLE v. RODRIGUEZ

H028352 NELSON v. NELSON

H029029 PEOPLE v. LOPEZ

H028110 PEOPLE v. CORONADO

H028625 PEOPLE v. PINEDA

H028891 PEOPLE v. ROSALES

H028778 PEOPLE v. HARDRICK

H028732 PEOPLE v. HUTCHISON

H029259 PEOPLE v. HUNG

H028562 WEBBER v. CHEN

H028743 PEOPLE v. LE

H028486 PEOPLE v. CROSS

H028921 PEOPLE v. CHAVEZ

H029096 PEOPLE v. WORTH

H028745 PEOPLE v. ARANDA

H029050 PEOPLE v. CASTRO

H029378 PEOPLE v. BARNHART

H028810 PEOPLE v. LYONS

H028787 PEOPLE v. ROGERS

H024142 CDM INVESTORS, et al. v. AMERICAN NATIONAL FIRE
INSURANCE COMPANY, et al.

H028968 SMITH v. COUNTY OF SANTA CRUZ, et al.

Sixth Appellate District

San Jose, California

Tuesday, April 4, 2006 (continued)

H028273 PEOPLE v. CAPELA

The judgment is ordered modified to reflect (1) that the two one-year enhancements imposed under section 667.5, subdivision (b), are stricken, resulting in an aggregate prison term, as modified, of 17 years, and (2) that the two 30-day sentences as to the two misdemeanor assault convictions (violations of § 240) are ordered stayed pursuant to section 654 as long as the judgment of conviction on count 1 remains in full force and effect. As so modified, the judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed April 4, 2006

H028212 PEOPLE v. GONZALEZ

The judgment is reversed and remanded to the trial court. The trial court is directed to prepare and file an amended abstract of judgment crediting the November 2003 to June 2004 period in custody, less the few days necessary to satisfy the one-year domestic violence sentence, against defendant's 16-month sentence in this case. The court is directed to send a certified copy of the amended abstract of judgment to the Department of Corrections. (published)

(McAdams, J.; We concur: Rushing, P.J., Mihara, J.)
Filed April 4, 2006

H028119 SANTA CLARA COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES
v. NADASDY

The court's orders are affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)
Filed April 4, 2006

WEDNESDAY, APRIL 5, 2006

H028991 PEOPLE v. ARELLANO-LANDA

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated January 5, 2006, is hereby vacated. The court by separate letter issued April 4, 2006, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: April 5, 2006 Bamattre-Manoukian, Acting P.J.

Sixth Appellate District

San Jose, California

Wednesday, April 5, 2006 (continued)

H028326 PEOPLE v. GUZMAN

By the Court*:

Respondent's petition for rehearing is denied.

Filed: April 5, 2006

*Before Elia, Acting P.J., Mihara, J. and McAdams, J.

H029174 In Re LAURA L.; MONTEREY CO. D.S.S. v. NANCY W.

The order terminating parental rights is reversed and the case is remanded for a new hearing. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed April 5, 2006

H027943 DAVIS v. STEINER, as Executor, etc.

By the Court*:

Respondent's petition for rehearing is denied.

Filed: April 5, 2006

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

THURSDAY, APRIL 6, 2006

H029311 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed April 6, 2006

H027895 MELLEN v. JACKINS

The appeal is dismissed. (not published)

(Rushing, P.J.; We concur: Premo, J., Duffy, J.)

Filed April 6, 2006

H028312 PEOPLE v. FRASER

The order committing defendant to the Department of Mental Health as a sexually violent predator is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 6, 2006

Sixth Appellate District

San Jose, California

Thursday, April 6, 2006 (continued)

H029040 COUNTY OF SANTA CRUZ v. SUPERIOR COURT; FIRST COMMERCIAL FINANCE

Let a peremptory writ of mandate issue directing respondent court to vacate its order of May 13, 2005, construing real party in interest First Commercial's petition for relief from claims presentation requirements as an equitable petition for relief from the requirement that the complaint be filed within six months after rejection of the claim and granting the petition, and to enter a new and different order denying the petition. Upon finality of this opinion, the temporary stay order is vacated. Costs in this original proceeding are awarded to Petitioner County of Santa Cruz. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 6, 2006

FRIDAY, APRIL 7, 2006

The following cases are submitted this date:

H028777 PEOPLE v. MATTHEWS
H028829 PEOPLE v. HERNANDEZ
H028835 PEOPLE v. BARRIOS
H029355 PEOPLE v. ZAMORA
H028372 PEOPLE v. HERNANDEZ
H029495 PEOPLE v. LOPEZ
H029454 PEOPLE v. ROSAS
H028395 PEOPLE v. BUI

Sixth Appellate District

San Jose, California

Friday, April 7, 2006 (continued)

H029121 In re JUSTIN S. et al.; D.F.C.S. v. SHEIKA L.

The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions that the Department of Family and Children's Services provide proper notice to all three Cherokee tribes and the Bureau of Indian Affairs. The Department is directed to file proof of receipt of such notice by the tribes and the Bureau of Indian Affairs, along with a copy of the notice and any responses. If, after receiving notice as required by the ICWA, no response indicates that Justin and Tyler are Indian children, or the responses received indicate that they are not Indian children within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated. If any tribe determines that Justin and Tyler are Indian children within the meaning of the ICWA, the juvenile court shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 1439 of the California Rules of Court. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed April 7, 2006

H029550 PEOPLE v. ASTORGA

The appeal is dismissed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 7, 2006

H029594 PEOPLE v. TUCKER

The appeal is dismissed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 7, 2006

H028429 PEOPLE v. ROBLEDO

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed April 7, 2006